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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,352	01/19/2001	Takahiro Masuda	1046.1234/JDH	7139

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EXAMINER	
CHOW, CHIH CHING	
ART UNIT	**PAPER NUMBER**
2122	

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/764,352	MASUDA ET AL.	
	Examiner	Art Unit	
	Chih-Ching Chow	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04/09/2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/764,352.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicants' amendment dated 04/09/2004, responding to the 12/08/2003 Office action provided in the objection of drawings. The examiner has reviewed the updated drawings, FIG 1, 2 and 6, respectfully.

2. Applicants' amendment dated 04/09/2004, responding to the 12/08/2003 Office action provided in the objection of specification. The examiner has reviewed the updated specification respectfully. However, there still are points that are not unclear; such as how do "these reserved words and the syntax pattern depend on a version of the application program", first paragraph in the [0013], while the second paragraph recited, "A version of the most suitable application program to open a document file becomes clear by extracting these reserved words and/or syntax patterns." – this paragraph implies that the version depends on reserve words and syntax patterns, which contradicts to what is recited in the first paragraph. In addition, the 'feature point' has never been mentioned in the specification, but it is repeatedly mentioned in the claims, is the 'feature point' same as the 'characteristic point' recited in specification?

3. Applicants' amendment dated 04/09/2004, responding to the 12/08/2003 Office action for claims 1, 4-6,8-12 under 35 USC 112 (2) rejections. The examiner has reviewed the updated claims 1-12 respectfully, since all claims have been amended.

4. Applicants' amendment dated 04/09/2004, responding to the 12/08/2003 Office action provided in the rejection of claims 1-12 under 35 U.S.C 103 (a), wherein claims

1-12 all have been amended. Applicant's arguments for Claims 1-12 have been fully considered respectfully by the examiner but they are not persuasive. Applicant primarily arguing for "the feature point, which is a format designation or a macro instruction" and repeatedly referred it to claims 1, 4, 9-12. However these claims never recited, "feature point is a format designation or a macro instruction", and the term 'format designation' was never recited in the claims nor in the specification. Accordingly, the rejection of the claims over the prior arts in the previous office action is maintained and **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Prior Art's Arguments - Rejections

5. Rejection under 35 U.S.C. 103 (a): with respect to Claims 1, 4, 9-12, these claims never recited, "a feature point is a format designation or a macro instruction".

Therefore it's invalid to argue about whether Donohue's 'project identifier' is a feature point or not over these claims. It has been stated clearly in the first action rejection, Donohue's "product identifier" is the "information for use in identifying a network location may be explicit network location information or it may be a software vendor name or any other information which can be used as a search parameter for identifying the location." (Col. 4, lines 37-39). The 'feature point' serves as an 'identifier' for selecting a version of the application program (see Claim 1, second item).

6. Motivation to Combine References – Donohue and Davis (for Claims 1, 3, 4, 7, 9-12)

In Claim 1, 4th item, 'installing the application program of the version when the decided version of the application program is not installed' – it implies that the installation is done automatically (no user's involvement); this is also illustrated in the Abstract "an application program of the most suitable version is installed for data file automatically", and in [0010], "The present invention has an object to provide such a technique capable of automatically installing an application program of a version optimally...". Therefore both Donohue and Davis were referred, since Donohue discloses the skill to use an 'identifier' to select an application program with correct version to be installed, but it won't update the software unless it meets the 'predefined update criteria', however, Davis' prior art, the installation is performed regardless, it installs new version automatically when the current version of the software becomes outdated. Davis' art functions the same as "a user can update the application program only if the application program should be updated" as recited in the remarks for the

present invention. When Donohue was referred, the examiner didn't focus on the when the application program should be updated, the time was not even an issue. Applicant argued in remarks, "it is not necessary to consider when the application program should be updated, however, in Donohue the time of updating computer program is discussed", this argument is therefore irrelevant. Donohue in view of Davis et al. were brought up in the first office action is to cover the motivation to one of ordinary skill in the art who would use an 'identifier' to select an application program with correct version, and install the application software automatically.

7. The original rejection from the first office action is listed as below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 4, 7, 9 -12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6199204 by Donohue, as applied to claims above, further in view of U.S. Patent No. 6282712 by Davis et al (herein after Davis).

Claims	**Donohue / Davis**
1. An installation method of an application comprising: (a) extracting a feature point after having analyzed data file,	Donohue has taught us a method for automatically updating of computer programs. In his invention column 8, line 32-35, "Assuming that software vendors provide via their Web sites a list 60 of

	available product updates referenced by **product identifier** and **release number** 110 (or some **other consistent naming convention** is used). Here the "product identifier" or "other consistent naming convention" is similar as the '**feature point**' (item (a)); and the "release number" is the same as the "version of an application" (item (b)). On his Fig. 2, the table shows the software product identifier along with the associated version number. Therefore, once a 'feature point' is identified (extracted) the version number can be detemined (claim 1 (a), (b)).
(b) deciding a version of an application suited for the data file based on an extracted feature point,	See the rejection of claim 1 (a).
(c) judging whether an application program of a decided version is already installed, and	Donohue column 8, line 65-67 shows "a **comparison** 250 between the current installed software product's identifier and release number and the listed available updates in the retrieved file 160. This comparison determines possible growth paths form the current to updated versions... Thus, the updater component determines whether the available new versions and whether it is possible to apply patches to the current version..." The **comparison** is **judging** whether an application should be installed (claim 1 (c)).
(d) newly installing an application program of the version when the application program is not installed.	Assuming this means install the application program if it's not currently installed yet (see rejection on 112 2nd paragraph for claim 1 (d)). Donohue teaches the feature extracting and version comparison, but does not install the software unless the software meets the 'predefined update criteria'. However, Davis shows the installation is

	performed regardless of 'predefined update criteria' in an analogous art for the purpose of facilitating the installation of software within their distributed system (See Davis BACKGROUND OF THE INVENTION). Davis' column 3, line 47-57, "In providing hardware and software inventory support, the centralized management system provides a listing of the hardware and software components on the computers in the distributed system. In providing software distribution and installation, the centralized management system centralized the distribution and installation of application programs on file servers or clients of the file servers. The software update functionality performed by the centralized management system **installs new software versions when the current version of the software becomes outdated**." It would have been obvious to a person of the ordinary skill in the art at the time of the invention to modify Donohue's system with installing the most up-to-date version software to a distributed network, for the same reason it is taught by Davis' method, see references above.
3. An installation method of an application mentioned in claim1, wherein: (a) the feature point is a syntax pattern of the macro instruction included in the data file, and	For the features of claim 1 see Donohue and Davis. See the rejection of claim 2 (a).
(b) the version is decided by detection the syntax pattern peculiar to each version.	See the rejection of claim 2(b).
4. An activation method of an application comprising: (a) extracting each feature point after having analyzed equal to or more than	The rejection of claim 1 (a) also applies for two or more than two data files.

two data files,	
(b) deciding a version of the application program that the data file is readable based on the feature point,	See the rejection of claim 1 (b)
(c) simultaneously displaying the data file and an application program of a version decided thereby, and	In Donohue, column 7, lines 62, Each vendor is assumed her to make available via their Web Sites such a list 60 of software updates (an example of which is shown in Fig. 2). Fig. 2 shows software updates list and retrieved software list; both the data file and the application program are **displayed** in web site for the user to access. Therefore it covers item (c).
(d) actuating the displayed application program in relation to any one of the data files.	It's not clear what does the 'actuating' mean here (see rejection 112 (2nd) above). However, assuming it means, "retrieve/select and install" the application program. Donohue teaches the means of 'retrieving' the application program. In Donohue's claim 1, 3rd and 4th items, "means for **initiating retrieval** of software update resources which satisfy said predefined criteria; and means for applying a software update to one of the installed computer programs using the one or more retrieved software resources." But Donohue doesn't specifically allow the user to select certain application program. However Davis shows the feature to allow the user to manually select an application program in an analogous art for the purpose of ensure that the application program installation is necessary and appropriate (implied from Davis BACKGROUND OF THE INVENTION). In Davis' claim 1, 4th and 5th items, "**selecting an edition** of the software....", "automatically installing the **selected edition** of the software onto the new computer ...". It would have

	been obvious to a person of the ordinary skill in the art at the time of the invention to modify Donohue's system with the user selection feature for the same reason it is taught by Davis, see reference above.
7. An activation method of an application mentioned in claim 4, wherein: the installation of a corresponding application program is executed when an application program corresponding to the data file does not exist.	For the features of claim 4 see Donohue and Davis. See the rejection of 1 (d).
9. A record medium that a program is recorded, comprising: (a) a step of extracting each feature point after having analyzed equal to or more than two data files,	In Donohue's claim 1, "A computer program product, comprising computer program code recorded on a computer readable **recording medium**, ..." Here Donohue teaches us a record medium for a software update system. For claim 9 (a) see the rejection of claim 4 (a).
(b) a step for deciding a version of the application program which can read the data file based on the feature point,	See the rejection of claim 4 (b).
(c) a step for simultaneously displaying the data file and an application program of a version decided thereby, and	See the rejection of claim 4 (c).
(d) a step for actuating the displayed application to any one of the data files.	See the rejection of claim 4 (d).
10. An apparatus for executing an application program comprising: (a) a means for extracting each feature point after having analyzed equal to or ore than two data files,	See the rejection of claim 4 (a).
(b) a means for deciding a version of the application program which can read the data files	See the rejection of claim 4 (b).
(c) a means for simultaneously displaying the data file and an application program of a version decided thereby, and	See the rejection of claim 4 (c).

(d) a means for actuating the displayed application program in relation to any one of the data files.	See the rejection of claim 4 (d).
11. An apparatus for installing an application program comprising:	
(a) a means for extracting a feature point after having analyzed equal to or ore than two data files,	See the rejection of claim 1 (a).
(b) a means for deciding a version of an application program suited for the data file based on an extracted feature point,	See the rejection of claim 1 (b).
(c) a means for judging whether an application program of a decided version is already installed, and	See the rejection of claim 1 (c).
(d) a means for newly installing an application program of the version when the application program is not installed.	See the rejection of claim 1 (d).
12. The storage medium that memorized a program for sequentially executing:	The program is executing the updates has to be stored somewhere in the system in order to be executed. For item
(a) a step for extracting a feature point after having analyzed data file,	(a), see the rejection of claim 1 (a).
(b) a step for deciding a version of an application suited for the data file based on an extracted feature point,	See the rejection of claim 1(b).
(c) a step for judging whether an application program of a decided version is already installed, and	See the rejection of claim 1 (c).
(d) a step for newly installing an application program of the version when the application program is not installed.	See the rejection of claim 1(d).

8. Motivation to Combine References – Donohue, Davis and Chan (for Claim 2)

Chan specifically discussed to use macro instruction in the 'ANDF Installer', which is used to install intermediate software code to a target machine. The reference to Chan is for the skill that he has disclosed for using the macro instruction to perform a desired action. In his case, the macro instruction(s) is (are) embedded in the 'ANDF

Installer'. See Chan, "to add predefined or often-used code into their programs through the use of include files. Often, these include files include macro operations, which are similar to software procedures and functions." The applicant argued that "in the present invention, as recited in claims 1-12, a feature point, which is a format designation or a macro instruction, is used to identify which version of an application program should be installed" where feature point was never defined as "a format designation or a macro instruction" in any of the claims, except in claim 2. However, it's actually recited in Claim 2, "the feature point is a reserve word of a macro instruction included in the data file". As a matter of fact, the word "format designation" has never been recited in any where in the claims nor in the specification, therefore the applicant's statement "a feature point, which is a format designation or a macro instruction", recited many places in the remarks, is invalid.

Chan does discuss the use of a macro instruction when installing software code, see office action below. Therefore, the applicant's statement in the remarks, "Chan et al., on the other hand, do not discuss the use of a format designation or a macro instruction to install application program" is not true.

It would have been obvious to a person of the ordinary skill in the art uses Donohue in view of Davis et al. further in view of Chan to use an 'identifier', which can also be a 'macro instruction', to select an application program with correct version and install the application software automatically.

9. The rejection for claim 2 is listed as below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6199204 by Donohue, as applied to claims above, further in view of U.S. Patent No. 6282712 by Davis et al. (herein after Davis), and further in view of U.S. Patent No. 5,276,881 by Chan et al. (herein after Chan).

Claims	Donohue / Davis / Chan
2. An installation method of an application mentioned in claim 1, wherein: (a) the feature point is a reserved word of a macro instruction included in the data file, and	For the features of claim 1 see Donohue and Davis. Donohue teaches the feature point but does not specifically mention 'reserved word', however Chan shows the feature point is a reserve word of a macro instruction feature in an analogous art for the purpose of facilitating the software installation by embedding the program's feature in function calls (see Chan's BACKGROUND OF THE INVENTION). In Chan, column 46, line 64-68, "At the Producer site 206, such library function names must be replaced by unique **keywords** using function like **macro definitions** in the modified ADF version of the header file. At the Installer site 216, 226, the andf.h file would contain an HPcode-Plus **macro** expansion for the reserved negative symbolic id (of the **unique keyword**) defining it either as a

function call or as a HPcode-Plus instruction sequence for the local macro definition." *Examples are given as following: "via the SYM HPcode-Plus instruction, the Code Generator 1130 provides memory allocation information to the ANDF Installer 218, 228." (see Chan, column 49, lines 16-18.)*
"Several HPcode-Plus instructions are provided for moving data between the expression stack and the memory, including HPcode-Plus instructions LOD and ILOD for direct and indirect load, HPcode-Plus instructions STR and ISTR for direct and indirect store, and HPcode-Plus instruction INST for indirect non-destructive store." (see Chan, column 12, lines 54-60.)
"The andf.h file at the Install Site 216 would then contain the following HPcode-Plus macro expansion" (list of macro instructions are in Chan, column 47, lines 21-43).
The andf.h contains a collection of Hpcode-Plus macro instructions, such as SYM, LOD, ILOD, STR, ISTR and INST...etc, each of them performs a specific function while the ANDF Installer performing the computer program installation in a target machine.

It would have been obvious to a person of the ordinary skill in the art at the time of the invention to modify Donohue's system by adding the feature point via a keyword macro instruction in the data file, for the same reason it is taught by Chan.

(b) the version is decided by detecting the reserved word peculiar to each

See Donohue Fig. 2, the software

version.	identifier and version are associated; therefore if a software identifier is determined the associated versions can then be determined.

10. Motivation to Combine References – Donohue, Davis and Hocker (for Claims 5,6)

Hocker discloses the skill in displaying a graphical symbol feature for certain version of software, since claims 5 and 6 recited 'displaying' a readable data file with a different symbol figure by each version corresponding to the application program. The 'Geometrical calculation' argument in the remarks wasn't the examiner's issue at all. Please see the original office action listed below. It would have been obvious to a person of the ordinary skill in the art uses Donohue in view of Davis et al. further in view of Hocker to use an identifier along with it's version, which can also be displayed to the user, so the user can select an application program with correct version and install the application software automatically.

11. The original rejection from the first office action is listed as below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6199204 by Donohue, as applied to claims above, further in view of U.S.

Patent No. 6282712 by Davis et al (herein after Davis), and further in view of U.S.

Patent No. 5943678 by Hocker et al (herein after Hocker).

Claims	Donohue / Davis / Hocker
5. An activation method of an application mentioned in claim 4 wherein: the data file is displayed with a different symbol figure by each version corresponding to the application program.	For the features of claim 4 see Donohue and Davis. Donohue has taught a method of updating computer software, but he does not show how to represent multiple versions of files in different symbol figures. However, Hocker shows a graphical user interface (GUI) to display the various versions of software in an analogous art for the purpose of effectively communicate with a computer by using a graphical symbol feature for the different versions of software. In his Abstract, "A region of the **graphical user interface** is provided to which other icons may be dragged so that the function represented by the dragged icon returns to a prior sate... By storing the previous m versions of a file, application, database, etc., where **m is user selectable**, the **user can review prior versions of that file**, application, or database without explicitly having to track those versions." The displayed graphical interface (can be icon) or other symbol is as recited in claim 5. In Hocker's column 2, line 51-55, "the user is allowed to examine older versions of the data without confusing older data with present data. Graphical methods, such as shading or coloring, may be used to visually differentiate retrieved and /or extrapolated displays form current displays." The user can select a previous version and that version will be displayed is as recited in claim 6. It would have been obvious to a person of the ordinary skill in the art at the time of the invention

	to modify Donohue's system with the displaying different versions of the software for the same reason it is taught by Hocker, see references above.
6. An activation method of an application mentioned in claim 4, wherein: only the data file corresponding to a version of the application program is displayed when the application program is selected.	For the features of claim 4 see Donohue and Davis. See the rejection of claim 5.

12. Motivation to Combine References – Donohue, Davis and Reisman (for Claim 8)

Reisman was referred for his disclosure of ensuring that there is enough space available for updating an application software. Applicant's argument in remarks, "Reisman, on the other hand discusses updating software by user-entered or vendor entered product identification to schedule updates periodically" was not the examiner's point. However since the original claim 8 was not clear (see Claim 112 (2) rejection in the first office action, item 8). Applicant's amendment does not fully addressed the confusion portion, such as how would a user know if insufficient domain space exists when the application program is executed? The updated claim 8 have been considered but are moot in view of the new ground(s) of rejection. Therefore the original rejection is maintained.

13. The original rejections for claim 8 from the first office action are listed as below:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 8:

- "An activation method of an application mentioned in claim 3, further comprising: eliminating an existing file in case that a **vacancy domain** is insufficient when the **application program is executed**." The claim is not clear about what "a vacancy domain" is, does it mean "space"? And does is mean application program is "executed", or the application program is "installed"? Normally, a user wants to ensure that there is enough space when installing a new software version. Therefore the interpretation of this claim should be "installation will not be done if there is insufficient space available in the computer and the data file is eliminated".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6199204 by Donohue, as applied to claims above, further in view of U.S. Patent No. 6282712 by Davis et al (herein after Davis), and further in view of Reisman US2002/0124055 A1.

Claims	Donohue / Davis / Reisman
8. An activation method of an application mentioned in claim 3, further comprising: eliminating an existing file in case that a vacancy domain is insufficient when the application program is executed.	For the features of claim 3 see Donohue and Davis. Donohue has mentioned a method of updating software automatically but he does not specifically mention there has to be sufficient space to update the file. However, Reisman shows the method to ensure that sufficient disk space is available for all fetched objects in an analogous art for the purpose of to have a successful file installation. In Reisman, page 7, paragraph [0089], "verifies that sufficient disk space is available for all fetched objects.... And returns an error report if any of these requirements is not fulfilled." It would have been obvious to a person of the ordinary skill in the art at the time of the invention to modify Donohue/Davis' invention of updating software automatically with the space verification feature for the same reason it is taught by Reisman, see reference above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Ching Chow whose telephone number is 703-305-7205. The examiner can normally be reached on 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached on 703-305-4552. Any response to the Final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or fax to:

703-308-9051, (for formal communication, please label "EXPEDITED PROCEDURE")

Or:

703-746-9793 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA. 22202, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-305-3900.

Chih-Ching Chow
Patent Examiner
Art Unit 2122

JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124

CC